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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,660	11/26/2003	Rick James Morse	D0932-00428 [VS-8855]	8809
8933 7590 09/24/2008 DUANE MORRIS LLP - Philadelphia IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196				
EXAMINER BUCKLE JR, JAMES J				
ART UNIT 3633		PAPER NUMBER		
MAIL DATE 09/24/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,660

Applicant(s)

MORSE, RICK JAMES

Examiner

JAMES J. BUCKLE JR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-17, 19 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-17, 19 and 22-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following is a Final rejection in response to communications received on 8/13/2008. Claim 17 has been amended. Claims 1-13, 15-17, 19, 22-30 are pending and addressed below.

Response to Amendment

Applicant's amendments to the claims are sufficient to overcome the claim objections set forth in the previous office action.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3, 5-7, 9, 11-13, 15-17, 19, 22-24, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art and in further view of Jakel (U.S. Patent #5,465,547).
3. Regarding claims 1-3, 5-7, 9, 11-13, 15-17, 19, 22-24, 27-29, the admitted prior art shows that it is known to provide clapboard siding panels, comprised of fiber cement, that have front, rear and two side faces, as seen in figure 1 and 3. Further, the admitted prior art teaches that both blind nail and face nail methods of installing siding panels are well known in the art. The admitted prior art fails to disclose a continuous planar first and second face extending between the side faces, a thickened portion proximate a top end of said panel forming a protruding first area that is shaped to sit substantially flush with a portion of a wall.

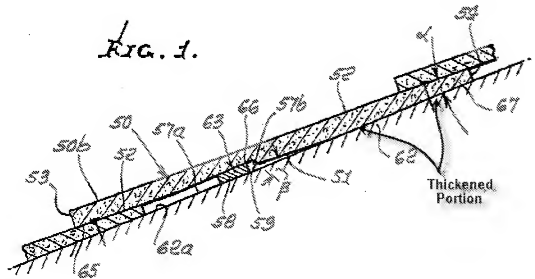
However, Jakel provides in Fig. 1 and 3b a rectangular fiber cement roofing panels (item 50) which may optionally be reinforced with polyester or cellulose fibers, having a continuous planar first and second face (Planar First and Second Face, Fig. 3b) extending between the side faces, a thickened portion (Thickened Portion, Examiner amended Fig. 1) proximate the top end thereof such that the top end lies flush with the underlying surface and is angled to overlap at least a portion of a second siding panel with said rear face including a portion proximate to a bottom end of side rear face resting upon a front face of said second panel. Jakel also teaches (in figures 1 and 12) that the tiles are installed using a blind nail method. Jakel teaches panels that are reinforced with embedded polyester and/or cellulose fiber (see column 4, lines 40-49 for example), the nails will obviously pass through the reinforced area when the panels are nailed to the supporting structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the panels of the admitted prior art with the thickened portion of the panels having a continuous planar first and second face of Jackel. Jackel teaches that providing such a thickened portion "is parallel to and flatly engages the roof" in order for the tile to have "extensive three-point planar support" which would provide for a more secure connection between a panel and a wall.

Further, the particular dimensions of the tiles are viewed as a choice of design which would have been obvious to one having ordinary skill in the art at the time of the invention as no particular problem in the art is identified as being solved by the claimed dimensions and one of ordinary skill in the art would have

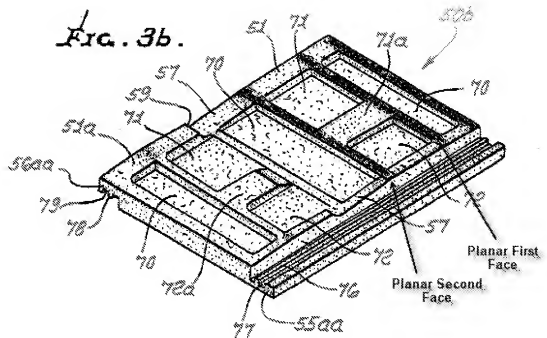
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readily recognized that the dimensions of Jakel could be varied without departing from the scope of the invention. There are no unpredictable results arrived at the by the claimed dimensions. Similarly, one of ordinary skill in the art at the time of the invention would have readily recognized that the tiles of Jakel could have been widened without any unpredictable result, thereby arriving at a "clapboard."

The face nailing method would have been obvious in view of applicant's disclosure which recites that it was known at the time of the invention.



Reproduced from U.S. Patent No. 5,465,547



Reproduced from U.S. Patent No. 5,465,547

4. Claims 4,8 and 10,25-26,30 are rejected as being unpatentable over the admitted prior art and Jakel and further in view of DeFord et al. (U.S. PG Pub 2002/0139082).
5. Regarding claims 4,8,10, 25-26, 30, the admitted prior art and Jakel discloses the a rectangular shaped clapboard siding panel as set forth above, but does not disclose the reinforcing area comprises an embedded or laminated reinforcement layer or comprising a mesh, scrim, fabric or panel reinforcement. However, Deford et al. teaches that it is known in the art to have a siding panel

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that comprises of a embedded reinforcement layer that comprises of scrim (para [0016], [0035], [0089]-[0090]) to improve strength and adequately improve the resistance and impact of bending torques that are applied to building under wind loading conditions or other conditions normally faced by building structures.

There fore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the siding panel as disclosed by the admitted prior art and Jakel with the reinforcement as taught by DeFord et al. to provide a siding panel that was lightweight, economical and maintained the structural integrity and adequate reinforcement to resist forces that a building is normally subjected to.

Response to Arguments

6. Applicant's arguments with respect to claims 1-13, 15-17, 19, 22-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is (571)270-3739. The examiner can normally be reached on Monday-Thursday, Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian Glessner
Examiner
Art Unit 3633

JJB

/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633